

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL A. RANKIN,

Plaintiff,

ORDER TO SHOW CAUSE

09-CV-0974-RJA-JJM

v.

CITY OF NIAGARA FALLS, et al.,

Defendants.

In accordance with my June 13, 2012 Report and Recommendation [81],¹ adopted by Judge Arcara on July 11, 2012 [87], on or before August 10, 2012 attorney Christina A. Agola shall show cause, in writing, why she should not be sanctioned pursuant to Fed. R. Civ. P. (“Rule”) 11(c), and/or 28 U.S.C. §1927, for:

1) Failing to either discontinue this action or move for leave to withdraw as plaintiff’s attorney once pretrial discovery was completed, given her admission that she realized upon completion of discovery that she could not certify under Rule 11 that there were any material issues of fact with regard to plaintiff’s claims (*see, e.g.*, [75], ¶25: “this decision was made after a full course of paper discovery, followed by several depositions”);

2) Stating to the court on three separate occasions ([42-1], [45-1], and [48-1]) that “Plaintiff’s opposition to defendant’s Motion for Summary Judgment is substantive”, and that she had “in good faith . . . anticipated filing and serving the Plaintiff’s Opposition to Defendant’s Motion for Summary Judgment”, when she had concluded that he could not “in good faith, on this record, raise a material issue of fact sufficient to defeat the Defendant’s motion” ([75], ¶29);

¹

Bracketed references are to CM/ECF docket entries.

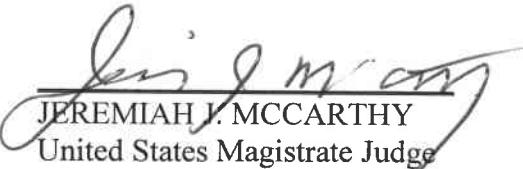
and

3) Repeatedly stating that she could not oppose the motion in good faith and consistent with Rule 11 [75], while telling my law clerk in a March 28, 2012 e-mail that she would oppose the motion if the case did not settle, provided that she could obtain another extension ([75-3], p. 11).

Oral argument will be scheduled if requested by Ms. Agola.

SO ORDERED

Dated: July 12, 2012



JEREMIAH J. McCARTHY
United States Magistrate Judge